



PATENT
Customer No. 22,852
Attorney Docket No. 08702-0001-03-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Boodhoo et al.

Application No.: 09/996,620

Filed: November 27, 2001

For: HIGHLY PURIFIED MOCARHAGIN, A
COBRA VENOM PROTEASE,
POLYNUCLEOTIDES ENCODING SAME
AND RELATED PROTEASES, AND
THERAPEUTIC USES THEREOF

ATTN: Petitions Office

Group Art Unit: 1652

Examiner: Rebecca Prouty

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

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MAY 18 2004
TECH CENTER 1600/2900

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Pursuant to 37 C.F.R. § 181(a), Applicants hereby petition to withdraw the holding of abandonment of the above-identified application. Pursuant to M.P.E.P. § 711.03(c)(I), this petition is appropriate because Applicants contend that the application is not in fact abandoned for the reasons set forth below.

Statement of Facts

1. In response to the Office Action dated June 18, 2003, Applicants filed a response to the Office Action, an amendment transmittal, a microorganism deposit declaration, a

- check in the amount of \$84 to pay for an additional independent claim (copies attached as Exhibit A).
2. The documents listed above in 1, were received by Office on August 21, 2003, as evidenced by the stamped post card Applicants received from the Office (attached as Exhibit B).
 3. When no further action was received from the Examiner, Applicants filed a status inquiry on February 13, 2004 (attached as Exhibit C).
 4. The status inquiry was received by the Office on February 13, 2004 as evidenced by the stamped post card Applicants received from the Office (attached as Exhibit D).

The Application is Not in Fact Abandoned

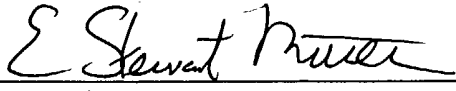
Contrary to the Examiner's statements and the allegations set forth in the Notice of Abandonment, the PTO has received Applicants' response to the Office Action dated June 18, 2003, as evidenced by the attached stamped postcard receipt. Applicants' response was first filed within three months of the mailing date of the Office Action, so it was timely filed. Therefore, the Examiner's holding of abandonment is erroneous and Applicants respectfully request that the Examiner's holding of abandonment be withdrawn.

As stated in M.P.E.P. § 711.03(c), this petition does not require a fee. However, if there are any other fees due in connection with this application, the Commissioner is authorized to charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 26, 2004

By: 

E. Stewart Mittler
Reg. No. 50,316